

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BARBARA A. WILHELM,
Plaintiff

v.

COMMONWEALTH OF PA.;
PENNSYLVANIA STATE POLICE;
COLONEL PAUL J. EVANKO,
COMMISSIONER; LIEUTENANT
COLONEL THOMAS K. COURY; and
CAPTAIN MICHAEL. D. SIMMERS,
Defendants

NO. 1:CV-01-1057

(JUDGE RAMBO)

FILED
HARRISBURG, PA
MAY 07 2003
CLERK

DEFENDANT'S UNOPPOSED MOTION TO ENTER JUDGMENT

Defendant, Pennsylvania State Police, hereby moves the Court to enter judgment in this matter. In support of this motion defendant states as follows:

1. This case alleged discrimination and retaliation in connection with plaintiff's employment with the Pennsylvania State Police.

2. In the complaint, plaintiff alleged that defendants discriminated against her in compensation, they refused to promote her based on her gender and they dismissed her based on her gender and in retaliation for her complaints about sex discrimination.

3. Plaintiff asserted her claims under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e, *et seq.*, Equal Pay Act, 29 U.S.C. §206(d),, the Pennsylvania

Human Relations Act, Pa. Stat. Ann., tit. 43, §955 (Purdon's 1991) and the state Whistleblower Law, Pa. Stat. Ann., tit. 43, §1421, *et seq.* (Purdon's 1991).

4. The Court granted summary judgment in favor of the individual defendants on all claims. The Court also granted summary judgment in favor of the State Police on all claims except for the Title VII retaliatory dismissal claim (Order of June 28, 2003).

5. At trial the jury rendered a verdict in favor of plaintiff on that claim and awarded compensatory damages in the amount of \$250,000.

6. The Court did not enter judgment at that time because the question of equitable relief remained to be decided.

7. After some delay, a hearing on equitable relief was held on January 31, 2003.

8. Following the hearing the Court awarded plaintiff reinstatement and front pay for the period of time between the trial and reinstatement.

9. Subsequently, the Court awarded plaintiff interest on both awards. The interest continues to accrue until the awards are paid (Order of April 9, 2003).

10. The Court also granted plaintiff additional time to file a petition for attorneys fees, which plaintiff did on May 5, 2003.

11. The State Police, with the concurrence of plaintiff, now moves the Court to enter judgment in this matter.

12. Defendant is prepared to pay plaintiff the damages awarded by the jury, the front pay awarded by the Court and the interest accrued up to the day of payment without waiting for a final resolution of the attorneys' fees petition.

13. Defendant does not wish to accrue additional interest on those awards while the attorneys' fees are being litigated.


14. The entry of judgment may not be delayed in order to award attorneys fees. Fed.R.Civ.P. 58 (c)(1).

WHEREFORE, defendant Pennsylvania State Police respectfully requests the Court to enter judgment in the matter.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

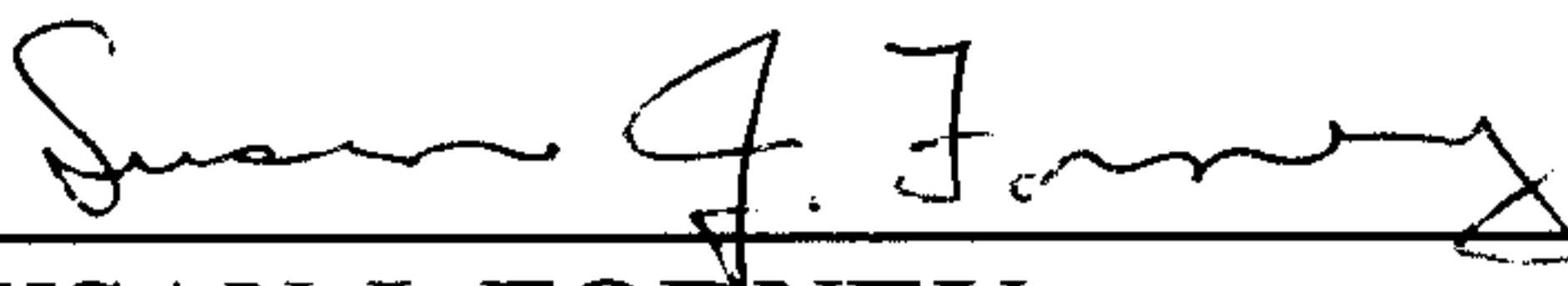
Office of Attorney General
Litigation Section
15th Fl., Strawberry Square
Harrisburg, PA 17120
(717) 787-9831- Direct
(717) 772-4526 - Fax

BY: 
SUSAN J. FORNEY
Chief Deputy Attorney General
I.D. No. 27744

DATED: May 7, 2003

CERTIFICATE OF CONCURRENCE

I hereby certify that counsel for plaintiff was contacted regarding the foregoing motion and he does concur.

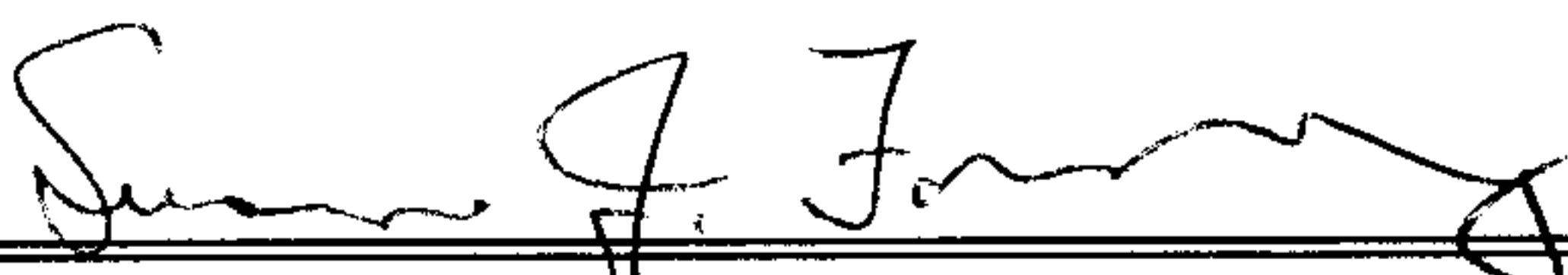


SUSAN J. FORNEY
Chief Deputy Attorney General

CERTIFICATE OF SERVICE

I, **SUSAN J. FORNEY**, Chief Deputy Attorney General for the Commonwealth of Pennsylvania, hereby certify that on May 7, 2003, I caused to be served a copy of the foregoing document entitled **Defendants' Unopposed Motion to Enter Judgment**, by depositing same in the United States Mail, first class, postage prepaid, in Harrisburg, Pennsylvania, upon the following:

Nathan C. Pringle, Jr., Esquire
3601 North Progress Avenue, Suite 200
Harrisburg, PA 17110



SUSAN J. FORNEY
Chief Deputy Attorney General
I.D. No. 27744